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MT LEGISLATIVE HISTORY

Chapter 125 19 81

Bill H _____ S 146 Original bill & hist. ___C

H. Committee on Ag., Livestock, & Irrig. S. Committee on Ag., Livestock, & Irrig.

Hearing Date(s)	3-9	___C	Hearing Date(s)	2-2	___C
	_____	___C		_____	___C
	_____	___C		_____	___C
	_____	___C		_____	___C
Date Out	3-9	___C		2-2	___C

Did this bill originate in an interim committee? ___Yes ___No

Committee _____ Report _____

SENATE BILL NO. 146

INTRODUCED BY HAZELBAKER, AKLESTAD, E. SMITH, MANUEL

IN THE SENATE

January 15, 1981	Introduced and referred to Committee on Agriculture, Livestock, and Irrigation.
February 3, 1981	Committee recommend bill do pass as amended. Report adopted.
February 4, 1981	Bill printed and placed on members' desks.
February 5, 1981	Second reading, do pass.
February 6, 1981	Correctly engrossed.
February 7, 1981	Third reading, passed. Transmitted to House.

IN THE HOUSE

February 9, 1981	Introduced and referred to Committee on Agriculture.
March 10, 1981	Committee recommend bill be concurred in. Report adopted.
March 11, 1981	Second reading, concurred in.
March 14, 1981	Third reading, concurred in. Ayes, 92; Noes, 1.

IN THE SENATE

March 16, 1981	Returned from House. Concurred in. Sent to enrolling.
	Reported correctly enrolled.

BILL NO. 146

INTRODUCED BY Hollandsworth AKLESTAD Smith-Mansfield

A BILL FOR AN ACT ENTITLED: "AN ACT TO REVISE APICULTURE PROVISIONS RELATING TO DEFINITIONS, REGISTRATION OF APIARIES, AND THE INCREASE IN THE NUMBER OF HIVES ON AN APIARY; AMENDING SECTIONS 80-6-101 THROUGH 80-6-103, MCA."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

Section 1. Section 80-6-101, MCA, is amended to read:

"80-6-101. Definitions. Unless the context requires otherwise, in this chapter the following definitions apply:

(1) "Apiary" means a place where one or more colonies of bees are kept or one or more hives containing honeycombs or bee combs are kept.

(2) "Bee diseases" means American or European foulbrood, sacbrood, bee paralysis, or other disease or abnormal condition of egg, larval, pupal, or adult stages of bees.

(3) "Bees" means any stage of the bees in the genus Apis.

(4) "Colony" means the hive and all equipment used in connection with the hive.

(5) "Department" means the department of agriculture, provided for in 2-15-3001.

~~(5)~~(6) "Equipment" means hives, supers, frames, veils, gloves, or any apparatus, tools, machines, or other devices used in the handling and manipulation of bees, honey, wax, and hives and includes containers of honey and wax which may be used in an apiary or in transporting bees and their products and apiary supplies.

(7) "Family unit" means two or more persons living together or residing in the same dwelling, house, or other place of residence.

(8) "General apiary" means any apiary other than a pollination apiary, landowner apiary, or hobbyist apiary, except the term includes any apiary of 21 or more hives.

~~(6)~~(9) "Hive" means a frame hive, box hive, box, barrel, log gum, skep, or other receptacle or container or a part of a container, natural or artificial, which may be used as a domicile for bees.

(10) "Hobbyist apiary" means an apiary owned by a hobbyist beekeeper.

(11) "Hobbyist beekeeper" means a person who owns a total of no more than five hives.

(12) "Landowner" means the person who has the actual use and exclusive possession of the land upon which a landowner apiary is to be registered. However, a person leasing or renting land for the primary purpose of locating or establishing an apiary thereon is not considered a

landowner.

(13) "Landowner apiary" means an apiary owned by a landowner as defined in this section.

~~(7)~~(14) "Persons" means individuals, associations, partnerships, or corporations.

(15) "Pollination apiary" means an apiary operated for pollination of a commercial seed, fruit, or other commercial agricultural product as provided in [section 4].

~~(8)~~(16) "Queen apiary" means an apiary or premises in which queen bees are reared or kept for sale or gift."

Section 2. Section 80-6-102, MCA, is amended to read:

"80-6-102. Registration. (1) A person who owns or possesses an apiary in the state shall, before April 1 each year, register the apiary. There are four classes of apiary registration. The conditions under which the department may issue certificates of registration for each class are specified in [sections 3 through 7].

(2) Applications shall be made to the department for registration application blanks.

(3) Registration application blanks shall be furnished by the department. The applicant shall provide the following information:

(a) a statement of the name and place of residence;

(b) the number of colonies of bees, hives, and equipment in the apiary;

(c) the location of the apiary, setting forth specifically the location by sectional division to the nearest quarter section, and the township and range and, if within the corporate limits of a town or city, the number of the lot and block in the town or city;

(d) the name of the owner, renter, or occupant of the land on which the apiary is located and, when the application is for a new apiary being registered for the first time, the application must also show that the owner, renter, or occupant of the land has consented to the apiary being located on his land;

(e) the date when the apiary was first established; and

(f) the class of apiary registration for which application is being made; and

~~(f)~~(g) other information the department may require under rules adopted by it for the protection, safety, and welfare of the public and the beekeeping industry.

(4) Upon receipt of the application and payment of the fees prescribed, the department may issue a certificate of registration for an apiary, setting forth the name of the owner, the specific location, and the number of colonies of bees or size of the apiary authorized under the registration, and the class of apiary authorized by the registration.

(5) In issuing certificates of registration for apiaries, if there is a conflict between applicants with respect to location, the department shall give preference to the applicant having the oldest continuous registered apiary.

(6) Certificates of registration may not be issued for new apiaries which are within such close proximity to established registered apiaries that there is or may be danger of spread of disease or that the proximity will or may interfere with the proper feeding and honey flow of established apiaries.

(7) Before registering new apiaries, the department shall give at least 10 days' notice by certified mail to all registered apiarists likely to be affected by the proposed new apiary so that any party affected may file written protests with the department against registering the new apiary. If a written protest is filed, the department may require a hearing. Notice of the time and place of the hearing shall be given all parties interested by certified mail at least 10 days before the date set for the hearing.

(8) Suitable evidence of registration furnished by the department shall be posted by the apiary registrant in a conspicuous place at or near the apiary. If an owner has more than one apiary, suitable evidence of registration furnished by the department shall be posted at each apiary.

(9) A registration not applied for by April 1 of each year is a late registration and incurs an added penalty of 10% of the regular registration fee. Registrants who fail to apply for reregistration by April 1 of each year shall be notified of their delinquency by the department. The notification shall be by certified mail and is sufficient if deposited in a United States post office or mail box and addressed to the registrant at his last address appearing in the apiary registration files of the department at least 10 days before May 1. The registration of an apiary for which application for reregistration is not made by May 1 of each year is forfeited and all rights under the registration terminate.

(10) Any person who owns or possesses any bees, hives, colonies, or beekeeping equipment in this state or who owns or possesses an apiary in this state and who fails or refuses to register the same as provided in this part is guilty of a misdemeanor and upon conviction thereof is subject to the penalties set forth in 80-6-303.

(11) Nothing contained in this section or in [sections 3 through 7] shall be construed as invalidating, canceling, amending, terminating, or extending any certificate of registration issued by the department prior to [the effective date of this act]. All such previously issued certificates of registration remain in effect for the period

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for which they were issued; subject, however, to forfeiture, lapse, abandonment, and termination in the manner provided by law."

NEW SECTION. Section 3. General apiary registrations. (1) In order to control, limit, and prevent the spread of bee diseases and other contagious or infectious diseases among bees, hives, and apiaries and to control, limit, and prevent interference with the proper feeding and honey flow of established apiaries, general apiaries registered to different persons on [the effective date of this act] must be located 3 or more miles apart, except as otherwise provided in this part. The department shall not register or issue a certificate of registration for any general apiary that is located less than 3 miles from a general apiary registered to another person, except as otherwise provided in this section.

(2) A person may register a general apiary that is situated less than 3 miles from another general apiary he has registered so long as the location of the general apiary being applied for is 3 or more miles from general apiaries registered to other persons.

(3) A general apiary may be registered even though it is less than 3 miles from any registered pollination apiary, landowner apiary, or hobbyist apiary.

(4) A person with an existing apiary that is located

less than 3 miles from an existing general apiary registered to another person may register his apiary as a general apiary under the following conditions:

(a) his apiary was established and registered with the department as a general apiary under the department's rules in effect prior to July 1, 1981;

(b) his apiary is registered with the department as a general apiary as of July 1, 1981; and

(c) the registration of his apiary has not been forfeited or abandoned under the provisions of 80-6-102(3)(g) or 80-6-104.

NEW SECTION. Section 4. Pollination apiary registrations. (1) The department may grant pollination apiary registrations to commercial seed and fruit producers or other commercial agricultural producers under the following conditions:

(a) (i) the applicant must own, lease, or rent the land upon which the pollination apiary is to be located and the applicant must use the land for the purpose of growing a commercial seed, fruit, or other crop which is dependent upon bees or other insects for pollination;

(ii) the applicant does not own the bees or the hives which are to be placed upon the pollination apiary; and

(iii) the only purpose of the apiary is to pollinate a commercial agricultural crop.

(b) The applicant shall provide the department with all pertinent information necessary to determine if pollination apiaries are needed to pollinate the applicant's crop adequately.

(c) The department may refuse to register a pollination apiary based upon its own investigation of the matter, but if the department approves the application, it shall specify the number and location of pollination apiaries needed for the purpose of pollinating the applicant's commercial agricultural crop adequately.

(2) A pollination apiary registration is valid only for the time period specified by the department, and all pollination apiaries must be removed within 2 weeks after the full bloom period of the crop to be pollinated.

(3) A registered pollination apiary which is sold, leased, rented, or transferred to another person must be reregistered by the lessee, renter, or transferee.

NEW SECTION. Section 5. Landowner apiary registrations. (1) The department may grant landowner apiary registrations under the following conditions:

(a) The applicant must be a landowner, as defined in 80-6-101 and must own the land upon which the apiary will be located.

(b) The applicant must own the bees and the hives that will be placed on the apiary.

(c) The bees and the hives must be personally managed and operated by the applicant.

(2) A registered landowner apiary which is sold, leased, rented, or transferred to another person must be reregistered by the lessee, renter, or transferee.

NEW SECTION. Section 6. Hobbyist apiary registrations. (1) The department may grant hobbyist apiary registrations to hobbyist beekeepers under the following conditions:

(a) The applicant must not own a total of more than five hives, and all of the hives must be placed on the hobbyist apiary.

(b) The applicant must own the bees and the hives and must personally manage and operate the bees and the hives.

(c) Only one hobbyist registration is allowed an applicant and only two hobbyist apiary registrations are allowed a family unit.

(d) If the department determines that too many hobbyist apiaries are being registered within too close proximity of each other or of other established apiaries so that there is or may be danger of the spread of bee diseases or other contagious or infectious diseases among bees or apiaries or that there will be interference with the proper feeding and honey flow of established apiaries, the department may refuse to grant any further hobbyist

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registrations in the locality and area of the danger, in accordance with 80-6-102(6).

(2) A registered hobbyist apiary which is sold, leased, rented, or transferred to another person must be reregistered by the lessee, renter, or transferee.

NEW SECTION. Section 7. Restrictions on apiary locations. Pollination apiaries, landowner apiaries, and hobbyist apiaries may be located less than 3 miles from pollination apiaries, landowner apiaries, hobbyist apiaries, and general apiaries registered to other persons. General apiaries may be located within 3 miles of one another only under the provisions of [section 3].

Section 8. Section 80-6-103, MCA, is amended to read:

"80-6-103. Changing locations -- enlarging or selling apiaries. (1) An owner of an established registered apiary may not change the location of the apiary without first receiving from the department authorization to establish the new apiary. In making the application, he shall specify the location of the apiary with the same particularity as in the application for original registration. If the new apiary is not used within 60 days after a new certificate of registration is issued, the certificate of registration lapses and all rights under the registration terminate. Registrations for new apiaries may not be issued for greater areas than the applicant can show are reasonably necessary

for his needs consistent with good beekeeping practice.

(2) A registered apiary may be sold or transferred to a purchaser subject to this chapter, if all bees and equipment on the apiary are sold to the purchaser.

(3) No person may increase the number of hives on an apiary to exceed the number of hives authorized by his certificate of registration for that apiary, except that a person may increase the number of hives on a general apiary beyond the number authorized by the certificate of registration in order to protect his bees during adverse weather or crop conditions or to protect his bees and hives from bears or other predators. A person may also enlarge a general apiary during the spring buildup and in the fall after the end of the honey season in order to gather his bees for shipment out of the state or to winter his bees on that apiary.

~~(3)~~(4) A person enlarging an apiary so as to exceed the number of hives ~~authorized under a certificate of registration~~ herein allowed is guilty of a misdemeanor and is subject to the penalties set forth in 80-6-303."

Section 9. Codification instruction. Sections 3 through 7 are intended to be codified as an integral part of Title 80, chapter 6, part 1, and the provisions of Title 80, chapter 6, apply to sections 3 through 7.

-End-

47th LEGISLATIVE SESSION

COMMITTEE ON AGRICULTURE, LIVESTOCK AND IRRIGATION

SENATE BILL NO.	ENTERED COMM.	DATE CONSIDERED	OUT OF COMM.	DO PASS DATE	DO NOT PASS DATE	DO PASS AS AMEND. DATE	BE CONCURRED IN DATE	BE CONC. IN AS AMENDED DATE	BE NOT CONCURRED IN DATE
25	1-5-81	1-7-81	1-7-81	----	1-7-81	----			
4	1-5-81	1-12-81	1-21-81	----	----	1-21-81			
59	1-5-81	1-14-81	1-14-81	1-14-81	-----	-----			
69	1-8-81	1-14-81	1-14-81	-----	-----	1-14-81			
97	1-12-81	1-19-81	1-30-81	-----	-----	1-30-81			
108	1-13-81	1-19-81	1-21-81	-----	1-21-81	-----			
110	1-13-81	1-19-81	1-21-81	-----	1-21-81	-----			
136	1-15-81	1-23-81	1-23-81	1-23-81	-----	-----			
146	1-15-81	2-2-81	2-2-81	----	----	2-2-81			
156	1-16-81	2-4-81	2-6-81	----	----	2-6-81			
158	1-16-81	1-23-81	1-28-81	----	----	1-28-81			
166	1-19-81	2-4-81	2-6-81	----	----	2-6-81			
176	1-19-81	1-28-81	1-30-81	----	----	1-30-81			
199	1-21-81	1-30-81	2-6-81	----	----	2-6-81			
243	1-23-81	2-9-81	2-13-81	----	----	2-13-81			
254	1-23-81	2-9-81	2-13-81	----	2-13-81	----			

Use a separate sheet for Senate, House Bills, and Resolutions.

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MAY 5 1981

MINUTES OF THE MEETING
AGRICULTURE, LIVESTOCK AND IRRIGATION
STATE CAPITOL BUILDING

February 2, 1981

The Agriculture, Livestock and Irrigation Committee meeting was called to order on the above date, in Room 415 of the State Capitol Building at 1:00 p.m.

ROLL CALL: All members present.

CONSIDERATION OF SB 146: Senator Hazelbaker, District 41, said the bill was introduced for administrative rules, principally the three mile limit. Apiaries should not be closer than three miles as bees are subject to disease and county attorneys did not enforce the law. The bill makes amendments to include this three mile limit.

Norman Robb, attorney from Missoula, representing the Montana State Beekeepers Association, explained that SB 146 takes the existing administrative rule, from the Department of Agriculture, and makes a statute out of it. Bees, being social insects, mingle with other bees and infect them. Bees need a certain amount of pasturage to forage on. In the 1947 bee law, it doesn't say what distances should be regulated. The Department has adopted the three mile rule. There are four classes of Apiaries; landowner, polination, commercial (for seed and fruit growers), and hobiest.

Polination keepers can bring in bees from any place and they are not subject to the three mile rule. Out of state beekeepers come in, violate the three mile rule, don't register, and they cannot be regulated for inspection for disease. The violations have occurred and cannot be prosecuted because there is no violation of the law. That is why the Montana Beekeepers Association would like to have this three mile limit made into law.

Mr. Robb then asked the more than fifty Montana first, second, third and fourth generation beekeepers to stand and identify themselves. See attached visitor's sheet.

Mr. Robb's amendments were the same as introduced by the Legislative Council. He said the Montana Beekeepers Association supports the amendments, and had asked the people present to speak because beekeeping is a family business and the bill is a real help in helping the Montana beekeeping industry.

Tom Harrison, Montana Beekeepers Association, approved the amendments and said they merely put the bill back the way it was supposed to be. An error had been made when the Legislative Council had drafted it. He also had a letter in support of SB 146 from the Montana Chamber of Commerce. See attachment.

Roy Bjornson, Montana Department of Agriculture, representing Gordon McOmber, arrose in favor of SB 146.

There being no further proponents or opponents, Committee questions followed.

Senator Lee was told that the beekeeping industry in Montana was a six million dollar a year business.

Senator Ochsner was told that the bill continues to protect established rights but it does not take away current rights.

DISPOSITION OF SB 146: Senator Conover moved to accept all the amendments prepared by Senator Turnage. Motion carried unanimously.

Senator Conover then moved that SB 146, as amended, DO PASS. Motion carried unanimously.

CONSIDERATION OF SB 285: Senator Pete Story, District 37, reviewed the bill with Committee members and introduced Lorents Grosfield, Sweet Grass Conservation District Supervisor, who also endorsed the bill for WETA.

Mr. Grosfield pointed out that the preference times, as signed by the Board of Natural Resources, granted several other water rights in preference to agricultural rights. He felt that the amount of water taken by the conservation districts did not cause a very large percentage of intake. Testimony attached.

Ray Beck, Montana Association of Conservation Districts, strongly supported SB 285.

OPPONENTS: Willa Hall, League of Womens Voters, said if the intent of the bill was to let agriculture have priority of water at all times, then they oppose it. She felt an entire preference system was not in the best use of Montana water and that fishing and recreation should have a higher value.

Gary Fritz, Administrator DNRC, said the law allows the Board to go back and change priorities, it allows for instream regulations to be modified. He opposed the bill because he felt it provided for the illegal taking of property. He felt SB 285 restricted Montana's ability to insure that this water will always be there and the DNRC already had the right to what SB 245 sets forth. He felt everyone should work together rather than fight the system. Statement attached.

Jim Flynn, Department of Fish, Wildlife and Parks, felt SB 285 aimed at the flexibility of the DNRC's ability to make instream flow reservations and reservations to other users. He felt, if a stream is depleted at its source, hardship spreads the length of the entire system. He said the Board needed to have its options open so they could better address the needs of Montana water users. Testimony attached.

STANDING COMMITTEE REPORT

February 2 19 81

MR. PRESIDENT

We, your committee on AGRICULTURE, LIVESTOCK AND IRRIGATION

having had under consideration SENATE Bill No. 146

Respectfully report as follows: That SENATE Bill No. 146

be amended as follows:

1. Page 2, line 11.
Following: "hobbyist apiary"
Strike: ","
Insert: "."

2. Page 2, ~~line 12~~.
Following: line 11
Strike: line 12 in its entirety.

3. Page 8, line 11.
Following: line 10
Strike: "80-6-102(3)(g)"
Insert: "80-6-102(9)"

4. Page 9, lines 15 through 17.
Following: line 14.
Strike: lines 15 through 17 in their entirety.
Insert: "(3) No certificate of registration of a pollination apiary may be leased, assigned, or transferred and no person other than the pollination apiary registrant may exercise any rights or privileges, directly or indirectly, authorized by the certificate of registration."

(continued on page 2)

Chairman.

STATE PUB. CO.
Helena, Mont.

February 2 19 81

5. Page 10, lines 3 through 5.
Strike: lines 3 through 5 in their entirety.
Insert: "(2) No certificate of registration of a landowner apiary may be leased, assigned, or transferred and no person other than the landowner apiary registrant may exercise any rights or privileges, directly or indirectly, authorized by the certificate of registration."

6. Page 11, lines 3 through 5.
Strike: lines 3 through 5 in their entirety.
Insert: "(2) No certificate of registration of a hobbyist apiary may be leased, assigned, or transferred and no person other than the hobbyist apiary registrant may exercise any rights or privileges, directly or indirectly, authorized by the certificate of registration."

And, as so amended,
DO PASS

JACK GALT, Chairman.

STATE PUB. CO.
Helena, Mont.

Bill No.	Subject Matter	Date In	Sponsor	Hearing Date	Committee Action	Date Out
H.B. 640	Assistance to farmers, ranch bus men engaged in ag activi by estab the Mt. Ag. Develop. Board. auth. issuance of rev bonds for acq of ag land....	2-4-81	Lund	2-16-81	2-16 held for amd DO PASS AS AMENDED STATEMENT OF INT	2-20-81
S.B.I. 158	Statement of Intent req for this bill.. deligates rulemaking auth. to Dept.of Livestock in Sec.8	2=4-81	Senate Liv. & Irrig. Committee	3-2-81	DO PASS 3-2-81	3-4-81
S.B. 158	Act require the applic for & possession of a permit & Health Certif. unless waived before certain animals, semen or an. biol may be imported into Mt.	"	Sen.Graham	3-2-81	DO PASS 3-2-81	3-4-81
HJR 24	Joint Res Sen & Hs. of Mt. direct dept of Lv to amend milk freshness dating rules.	2-5-81	Stobie, Jensen.	X	X	X
S.B. 146	Revise apiculture prov.relat to defin, registration of apiaries, and increase in number of hives on an apiary.	2-9-81	Senator Hazelbaker	3-9-81	BE CONCURRED IN 3-9-81	3-10-81
H.B. 740	AN ACT TO AUTHORIZE THE DEPT of Livestock to conduct research Prog. w/ regard to all phases beef Prod , promote use & consump of beef & prod, provd tax....	2-12-81	Switzer	2-16-81	DO PASS	2-17-81
STATEMENT OF INTENT H.B.740		2-16-81	Switzer	2-16-81	DO PASS	2-17-81

SENATE BILL NO. 146

INTRODUCED BY HAZELBAKER, AKLESTAD, E. SMITH, MANUEL

A BILL FOR AN ACT ENTITLED: "AN ACT TO REVISE APICULTURE PROVISIONS RELATING TO DEFINITIONS, REGISTRATION OF APIARIES, AND THE INCREASE IN THE NUMBER OF HIVES ON AN APIARY; AMENDING SECTIONS 80-6-101 THROUGH 80-6-103, MCA."

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(3) "Bees" means any stage of the bees in the genus Apis.

(4) "Colony" means the hive and all equipment used in connection with the hive.

(5) "Department" means the department of agriculture, provided for in 2-15-3001.

~~(5)~~(6) "Equipment" means hives, supers, frames, veils, gloves, or any apparatus, tools, machines, or other devices used in the handling and manipulation of bees, honey, wax, and hives and includes containers of honey and wax which may be used in an apiary or in transporting bees and their products and apiary supplies.

(7) "Family unit" means two or more persons living together or residing in the same dwelling, house, or other place of residence.

(8) "General apiary" means any apiary other than a pollination apiary, landowner apiary, or hobbyist apiary~~except the term includes any apiary of 21 or more hives~~.

~~(6)~~(9) "Hive" means a frame hive, box hive, box, barrel, log gum, skep, or other receptacle or container or a part of a container, natural or artificial, which may be used as a domicile for bees.

(10) "Hobbyist apiary" means an apiary owned by a hobbyist beekeeper.

(11) "Hobbyist beekeeper" means a person who owns a total of no more than five hives.

(12) "Landowner" means the person who has the actual use and exclusive possession of the land upon which a landowner apiary is to be registered. However, a person leasing or renting land for the primary purpose of locating or establishing an apiary thereon is not considered a

THIRD READING

landowner.

(13) "Landowner apiary" means an apiary owned by a landowner as defined in this section.

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(2) Applications shall be made to the department for registration application blanks.

(3) Registration application blanks shall be furnished by the department. The applicant shall provide the following information:

(a) a statement of the name and place of residence;

(b) the number of colonies of bees, hives, and equipment in the apiary;

(c) the location of the apiary, setting forth specifically the location by sectional division to the nearest quarter section, and the township and range and, if within the corporate limits of a town or city, the number of the lot and block in the town or city;

(d) the name of the owner, renter, or occupant of the land on which the apiary is located and, when the application is for a new apiary being registered for the first time, the application must also show that the owner, renter, or occupant of the land has consented to the apiary being located on his land;

(e) the date when the apiary was first established; and

(f) the class of apiary registration for which application is being made; and

~~(f)~~(g) other information the department may require under rules adopted by it for the protection, safety, and welfare of the public and the beekeeping industry.

(4) Upon receipt of the application and payment of the fees prescribed, the department may issue a certificate of registration for an apiary, setting forth the name of the owner, the specific location, and the number of colonies of bees or size of the apiary authorized under the registration, and the class of apiary authorized by the registration.

(5) In issuing certificates of registration for apiaries, if there is a conflict between applicants with respect to location, the department shall give preference to the applicant having the oldest continuous registered apiary.

(6) Certificates of registration may not be issued for new apiaries which are within such close proximity to established registered apiaries that there is or may be danger of spread of disease or that the proximity will or may interfere with the proper feeding and honey flow of established apiaries.

(7) Before registering new apiaries, the department shall give at least 10 days' notice by certified mail to all registered apiarists likely to be affected by the proposed new apiary so that any party affected may file written protests with the department against registering the new apiary. If a written protest is filed, the department may require a hearing. Notice of the time and place of the hearing shall be given all parties interested by certified mail at least 10 days before the date set for the hearing.

(8) Suitable evidence of registration furnished by the department shall be posted by the apiary registrant in a conspicuous place at or near the apiary. If an owner has more than one apiary, suitable evidence of registration furnished by the department shall be posted at each apiary.

(9) A registration not applied for by April 1 of each year is a late registration and incurs an added penalty of 10% of the regular registration fee. Registrants who fail to apply for reregistration by April 1 of each year shall be notified of their delinquency by the department. The notification shall be by certified mail and is sufficient if deposited in a United States post office or mail box and addressed to the registrant at his last address appearing in the apiary registration files of the department at least 10 days before May 1. The registration of an apiary for which application for reregistration is not made by May 1 of each year is forfeited and all rights under the registration terminate.

(10) Any person who owns or possesses any bees, hives, colonies, or beekeeping equipment in this state or who owns or possesses an apiary in this state and who fails or refuses to register the same as provided in this part is guilty of a misdemeanor and upon conviction thereof is subject to the penalties set forth in 80-6-303.

(11) Nothing contained in this section or in [sections 3 through 7] shall be construed as invalidating, canceling, amending, terminating, or extending any certificate of registration issued by the department prior to [the effective date of this act]. All such previously issued certificates of registration remain in effect for the period

for which they were issued; subject, however, to forfeiture, lapse, abandonment, and termination in the manner provided by law."

NEW SECTION. Section 3. General apiary registrations. (1) In order to control, limit, and prevent the spread of bee diseases and other contagious or infectious diseases among bees, hives, and apiaries and to control, limit, and prevent interference with the proper feeding and honey flow of established apiaries, general apiaries registered to different persons on [the effective date of this act] must be located 3 or more miles apart, except as otherwise provided in this part. The department shall not register or issue a certificate of registration for any general apiary that is located less than 3 miles from a general apiary registered to another person, except as otherwise provided in this section.

(2) A person may register a general apiary that is situated less than 3 miles from another general apiary he has registered so long as the location of the general apiary being applied for is 3 or more miles from general apiaries registered to other persons.

(3) A general apiary may be registered even though it is less than 3 miles from any registered pollination apiary, landowner apiary, or hobbyist apiary.

(4) A person with an existing apiary that is located

less than 3 miles from an existing general apiary registered to another person may register his apiary as a general apiary under the following conditions:

(a) his apiary was established and registered with the department as a general apiary under the department's rules in effect prior to July 1, 1981;

(b) his apiary is registered with the department as a general apiary as of July 1, 1981; and

(c) the registration of his apiary has not been forfeited or abandoned under the provisions of ~~80-6-102(3)(g)~~ 80-6-102(9) or 80-6-104.

NEW SECTION. Section 4. Pollination apiary registrations. (1) The department may grant pollination apiary registrations to commercial seed and fruit producers or other commercial agricultural producers under the following conditions:

(a) (i) the applicant must own, lease, or rent the land upon which the pollination apiary is to be located and the applicant must use the land for the purpose of growing a commercial seed, fruit, or other crop which is dependent upon bees or other insects for pollination;

(ii) the applicant does not own the bees or the hives which are to be placed upon the pollination apiary; and

(iii) the only purpose of the apiary is to pollinate a commercial agricultural crop.

(b) The applicant shall provide the department with all pertinent information necessary to determine if pollination apiaries are needed to pollinate the applicant's crop adequately.

(c) The department may refuse to register a pollination apiary based upon its own investigation of the matter, but if the department approves the application, it shall specify the number and location of pollination apiaries needed for the purpose of pollinating the applicant's commercial agricultural crop adequately.

(2) A pollination apiary registration is valid only for the time period specified by the department, and all pollination apiaries must be removed within 2 weeks after the full bloom period of the crop to be pollinated.

(3) ~~A registered pollination apiary which is sold, leased, rented, or transferred to another person must be reregistered by the lessee, renter, or transferee.~~ NO CERTIFICATE OF REGISTRATION OF A POLLINATION APIARY MAY BE LEASED, ASSIGNED, OR TRANSFERRED AND NO PERSON OTHER THAN THE POLLINATION APIARY REGISTRANT MAY EXERCISE ANY RIGHTS OR PRIVILEGES, DIRECTLY OR INDIRECTLY, AUTHORIZED BY THE CERTIFICATE OF REGISTRATION.

NEW SECTION. Section 5. Landowner apiary registrations. (1) The department may grant landowner apiary registrations under the following conditions:

(a) The applicant must be a landowner, as defined in 80-6-101 and must own the land upon which the apiary will be located.

(b) The applicant must own the bees and the hives that will be placed on the apiary.

(c) The bees and the hives must be personally managed and operated by the applicant.

(2) ~~A registered landowner apiary which is sold, leased, rented, or transferred to another person must be reregistered by the lessee, renter, or transferee.~~ NO CERTIFICATE OF REGISTRATION OF A LANDOWNER APIARY MAY BE LEASED, ASSIGNED, OR TRANSFERRED AND NO PERSON OTHER THAN THE LANDOWNER APIARY REGISTRANT MAY EXERCISE ANY RIGHTS OR PRIVILEGES, DIRECTLY OR INDIRECTLY, AUTHORIZED BY THE CERTIFICATE OF REGISTRATION.

NEW SECTION. Section 6. Hobbyist apiary registrations. (1) The department may grant hobbyist apiary registrations to hobbyist beekeepers under the following conditions:

(a) The applicant must not own a total of more than five hives, and all of the hives must be placed on the hobbyist apiary.

(b) The applicant must own the bees and the hives and must personally manage and operate the bees and the hives.

(c) Only one hobbyist registration is allowed an

applicant and only two hobbyist apiary registrations are allowed a family unit.

(d) If the department determines that too many hobbyist apiaries are being registered within too close proximity of each other or of other established apiaries so that there is or may be danger of the spread of bee diseases or other contagious or infectious diseases among bees or apiaries or that there will be interference with the proper feeding and honey flow of established apiaries, the department may refuse to grant any further hobbyist registrations in the locality and area of the danger, in accordance with 80-6-102(6).

~~(2) A registered hobbyist apiary which is sold, leased, rented, or transferred to another person must be reregistered by the lessee, renter, or transferee.~~ NO CERTIFICATE OF REGISTRATION OF A HOBBYIST APIARY MAY BE LEASED, ASSIGNED, OR TRANSFERRED AND NO PERSON OTHER THAN THE HOBBYIST APIARY REGISTRANT MAY EXERCISE ANY RIGHTS OR PRIVILEGES, DIRECTLY OR INDIRECTLY, AUTHORIZED BY THE CERTIFICATE OF REGISTRATION.

NEW SECTION. Section 7. Restrictions on apiary locations. Pollination apiaries, landowner apiaries, and hobbyist apiaries may be located less than 3 miles from pollination apiaries, landowner apiaries, hobbyist apiaries, and general apiaries registered to other persons. General

apiaries may be located within 3 miles of one another only under the provisions of [section 3].

Section 8. Section 80-6-103, MCA, is amended to read:

"80-6-103. Changing locations -- enlarging or selling apiaries. (1) An owner of an established registered apiary may not change the location of the apiary without first receiving from the department authorization to establish the new apiary. In making the application, he shall specify the location of the apiary with the same particularity as in the application for original registration. If the new apiary is not used within 60 days after a new certificate of registration is issued, the certificate of registration lapses and all rights under the registration terminate. Registrations for new apiaries may not be issued for greater areas than the applicant can show are reasonably necessary for his needs consistent with good beekeeping practice.

(2) A registered apiary may be sold or transferred to a purchaser subject to this chapter, if all bees and equipment on the apiary are sold to the purchaser.

(3) No person may increase the number of hives on an apiary to exceed the number of hives authorized by his certificate of registration for that apiary, except that a person may increase the number of hives on a general apiary beyond the number authorized by the certificate of registration in order to protect his bees during adverse

weather or crop conditions or to protect his bees and hives from bears or other predators. A person may also enlarge a general apiary during the spring buildup and in the fall after the end of the honey season in order to gather his bees for shipment out of the state or to winter his bees on that apiary.

~~(3)~~[4] A person enlarging an apiary so as to exceed the number of hives ~~authorized under a certificate of registration~~ herein allowed is guilty of a misdemeanor and is subject to the penalties set forth in 80-6-303."

Section 9. Codification instruction. Sections 3 through 7 are intended to be codified as an integral part of Title 80, chapter 6, part 1, and the provisions of Title 80, chapter 6, apply to sections 3 through 7.

-End-

SENATE BILL NO. 146
(Beekeepers Bill)

INFORMATION AND FACT SHEET

ITEM ONE. GENERAL PURPOSE OF S. B. NO. 146.

I. The General Purpose of the bill is to make statutory (enact into law) what is commonly known among beekeepers as the THREE-MILE RULE on the location and proximity of apiaries, that is, how far apart apiaries must be located.

A. An "apiary" is defined by law (§80-6-101 (1), M.C.A.) as the "place where one or more colonies of bees are kept or one or more hives containing honeycombs or bee combs are kept". In short, an "apiary" is the place or location where the beehives are situated.

B. By law, apiaries must be registered each year with the Montana Department of Agriculture. The Department is charged with the duty of registering the apiaries, issuing certificates of registration for them and generally administering the Montana Apiculture (Bee) Law.

II. Montana's Apiculture Law is set forth in Section 80-6-101 through 80-6-303, M.C.A. 1979.

A. Subsection (6) of Section 80-6-102 of the present law provides that "[c]ertificates of registration for apiaries may not be issued for new apiaries which are within such close proximity to established registerd apiaries that there is or may be danger of the spread of disease or that the proximity will or may interfere with the proper feeding and honey flow of established apiaries".

Bees are social insects and, as such, bees from different apiaries will co-mingle with one another. Bees also are subject to certain contagious and infectious diseases. Infected or diseased bees can spread their disease to healthy colonies, if the infected bees get into a healthy colony. As a general rule, bees will travel up to three miles in search of food (pollen and nectar). Therefore, maintaining proper distance between apiaries is an important tool in helping to prevent the spread of diseases from an infected apiary to a healthy apiary.

Bees also need a certain amount of area in which to forage for food. In other words, they need "pasturage" to maintain themselves. Too many bees too close together will "overstock" or "overgraze" the area just as too many cattle will overgraze a limited area. This is what the statute (§80-6-102(6) means when it says apiaries are not to be "within such close proximity ... that the proximity will interfere with the proper feeding and honey flow of established apiaries".

III. The Present Administration Rule. Section 80-6-201(1)(e) gives the Deparment of Agriculture authority to promulgate rules to carry out the bee law. Pursuant to this authority, the Department has adopted an administrative rule with respect to the registration and location of apiaries. This is Rule No. 4.12.101 of Administrative Rules of Montana and it is referred to as the "Three-Mile Rule".

A. In general terms, this "Administrative Three-Mile Rule" does the following:

1. It provides for four classes of apiary registration, to-wit: (1) General Apiaries, (2) Pollination Apiaries, (3) Landowner Apiaries and (4) Hobbyist Apiaries. The rule then sets forth the conditions upon which the Department will issue certificates of registration for each class of apiary.

2. The "General Apiary" classification is the type of apiary registration used by those beekeepers who make their living by producing and selling honey and beeswax. The administrative rule provides that general apiaries registered to different persons must be located three or more miles apart. This is to carry out the provisions of §80-6-102(6), M. C. A., to prevent the spread of disease and interference with the proper feeding and honey flow between general apiaries.

3. The "Landowner Apiary", "Hobbyist Apiary" and "Pollination Apiary" classes were set up in the administrative rule to make provision for the registration of apiaries for those people who do not make their living by producing honey but who want to (a) run some bees on their own land, (b) run a few bees as a hobby or (c) who need an apiary in order to pollinate their commercial agricultural crop. These three classes of apiaries are not subject to the three-mile limitation in that these may be located less than three miles from each other and less than three miles from general apiaries. This was done to protect landowner rights, the rights of hobbyists and the rights of a commercial agricultural seed or crop producer to get his crop pollinated.

ITEM TWO. WHAT SENATE BILL NO. 146 DOES.

I. In general, S. B. No. 146 incorporates the provisions of the present administrative rule into the present Montana Apiculture Law so as to make the three-mile rule statutory.

A. The Three-Mile Rule. Under S. B. 146, the "Three-Mile Rule" applies to general apiaries. That is, those apiaries registered to those who make their living by keeping bees for the production and sale of honey and beeswax. Under S. B. 146, the Three-Mile Rule does not apply to Landowner, Hobbyist or Pollination apiaries. In short, the bill does the same thing the present administrative rule does. Thus, the rights of Landowner, Hobbyist and Pollination apiaries are fully protected.

1. Under S. B. 146, the Three-Mile Rule applies to general apiaries registered to different persons. This is the same as the present administrative rule. There are some exceptions to this. These exceptions are: (a) General apiaries registered to the same person may be located less than three miles apart so long as such apiaries are three or more miles from general apiaries registered to other persons. (b) Provision is made to protect existing registered general apiaries which are less than three miles apart. This exception is to protect existing rights. It applies to old apiaries of long standing that were located and registered before the adoption of the administrative rule. These exceptions are contained in the present administrative rule and are carried over into S. B. 146.

2. S. B. 146, like the present administrative rule, also provides that general apiaries may be located less than three miles from landowner apiaries, hobbyist apiaries and pollination apiaries. The reason for this is that landowner apiaries may be located less

than three miles from general apiaries. This being so, general apiaries should have the same right. These same provisions are contained in the administrative rule.

B. Enforcement. One of the primary reasons for making the Three-Mile Rule statutory is to obtain better enforcement of the law with respect to registering apiaries and the Three-Mile Rule. We have found a reluctance on the part of county attorneys to enforce the present administrative rule because it is a rule and not a law. By making the rule statutory, we believe we will obtain better enforcement of it because a violation will then constitute the violation of a statute and county attorneys will thereby have a sound legal foundation upon which to prosecute a breach of the Three-Mile Rule.

1. To carry this out, S. B. 146 contains a provision making it a misdemeanor for any person who owns or possesses any bees or any apiary in Montana to fail to register the same. (See Subsection (10) of Section 1 of S.B. 146.) This will help prevent out-of-state beekeepers from coming into Montana and placing bees in locations that are less than three miles from a registered general apiary. This has been one of the enforcement problems that led to the Beekeepers having S. B. 146 introduced into the legislature.

II. Other Changes Made By S. B. 146. S. B. 146 also amends §80-6-103, M.C.A. by allowing the number of hives on a general apiary to be increased beyond the number set out in the certificate of registration in order that the owner of the bees may protect his bees during adverse weather or crop conditions, or to protect his bees from predators, or to gather up his bees during the spring buildup season and in the fall to get them ready for shipment out of the state or to winter them. (See Subsection (3) of Section 8 of S. B. 146.)

ITEM THREE. OTHER STATES WITH LAWS THAT REGULATE THE PROXIMITY OF APIARIES.

I. Montana is not the only state that regulates the proximity of apiaries. South Dakota, North Dakota, New Mexico, Oklahoma and Wyoming all have statutes (laws) that regulate how close or far apart apairies may be located. Many of the other honey producing states regulate the proximity by a rule of their state department that administers their spiculture law.

II. The Beekeepers believe there is ample legal precedent for making Montana's rule on proximity a law.

ITEM FOUR. INFORMATION WITH RESPECT TO BEEKEEPING IN MONTANA AND NATIONALLY.

I. Montana Beekeeping.

A. Number of Registered Beekeepers and Apiaries.

1. Registered Beekeepers. According to the records of the Montana Department of Agriculture there are a total of 552 registered beekeepers in the state. This number breaks down as follows:

Type of Beekeeper	Number
(a) General Beekeepers (251 or more colonies)	59
(b) Part time Beekeepers (10 to 251 colonies)	100
(c) Hobbyist Beekeepers (1 to 5 colonies)	393
Total	552

2. Registered Apiaries. There are 4,364 registered apiaries per the Department's records

B. Number of Colonies of Bees. There are nearly 100,000 colonies of bees in Montana registered with the Department.

Ninety-three percent (93%) of these are registered to beekeepers who have 300 or more colonies. Hence, the general beekeepers have approximately 93,000 colonies.

C. Honey And Beeswax Production And Value In Montana.

1. In Top Ten Honey Producing States. Montana is one of the ten top honey producing states in the nation.

2. Type of Honey Produced. Montana produces a premium quality honey. It is low in moisture content and light in color.

3. Average Production. In an average year, Montana produces 10 Million pounds of honey and 170,000 pounds of beeswax. The value of the average crop is approximately 5 million dollars

4. 1979 Production. In 1979 Montana produced 13.2 million pounds of honey worth 6.95 million dollars and 224,000 pounds of beeswax worth $337,000.00. These are the latest figures available and they come from the United States Department of Agriculture.

D. Crop Pollination In Montana. The figures on the value of the crops in Montana that are pollinated by bees are not available. However, pollination is of tremendous value to the farmers, ranchers and fruit growers in Montana. Honeybees are one of the better, if not the best, pollinating insects. The pollination service provided to Montana agriculture by beekeepers is a service which is almost always provided free to the crop or fruit producers. Beekeepers want the honey and they seldom charge for the indirect pollination service their bees provide to crop and fruit growers. However, the benefit to the crop and fruit growers is a direct benefit because without the honeybees their crops either would not be pollinated or would not be adequately pollinated. See the discussion below on the value of honeybee crop pollination on a national scale.

The Pollination Apiary provision in S. B. 146 is a new thing in Montana. So far there have not been very many pollination apiaries registered in the state. As discussed in this outline, the purpose of pollination apiaries is for the benefit of commercial agriculture seed, crop and fruit producers.

In addition to the pollination service provided by honeybees to the Montana agricultural industry, these bees also provide a service to the public at large. These bees also help pollinate many of our wild or national grasses and plants as well as local flower gardens, fruit trees, etc. Again, this is a service the beekeepers provide free of charge.

E. Value Of Out-of-State Pollination By Montana Beekeepers. Some of Montana's general beekeepers take their bees to California or the Southwest in the winter and use them to pollinate fruit and produce crops. Montana beekeepers earn about 1.5 million dollars per year doing this.

F. The Average General Beekeeper In Montana. This relates to the Montana beekeepers whose sole source of livelihood is the production and sale of honey and beeswax.

1. He produces an average of 250,000 pounds of honey and 2,500 pounds of beeswax per year with a combined total value of about $85,000.00.

2. He has 1,500 colonies of bees on 50 different registered apiaries.

3. In addition to himself, he employs one full time and one part time employee for an average payroll of $25,000.00 to $35,000.00. (Keep in mind we are talking about an "average" general beekeeper. Overall, the general beekeepers as a group in Montana employ 250 to 300 people per year on a full time basis and another 250 to 300 on a seasonal - part time basis.)

4. He pays about $3,500.00 per year in property taxes and fees. This does not include his federal and state income taxes.

5. It is a family business in that many cases the business has been handed down from one generation to another clear back to great-grandparents. Out of the 59 full time general beekeepers in Montana, I know that 27 of them are a family business that has been passed down from father to son and the grandchildren are now involved in the business. We talk a great deal in Montana about protecting our local businesses and preserving the family farm. This piece of legislation is a prime example of a situation where the legislature can help a local family industry by passing S. B. 146 in the form and content the beekeepers want.

6. He pays his taxes, supports his church and local chamber of commerce, obeys the law and votes. In short, he is a solid citizen running a Montana business that is being threatened by out-of-state beekeeping interests. One of the reasons Montana beekeeping has been successful is the laws and rules under which it operates. It is now time to up-date that law so Montana's bee-keeping industry will continue to operate on a solid foundation.

III. Beekeeping On A National Level.

1. According to the latest available figures, there were 4.15 million colonies of bees in the United States in 1979. (U.S. Department of Agriculture.)

2. In 1979 the total national honey production was 237 million pounds with an average yield of 57.2 pounds per hive. (Note: The average in Montana is 100 pounds per hive. This is why out-of-state beekeeping interests move into Montana.) The National production of beeswax in 1979 was 3.73 million pounds. The value of the honey was 140 million dollars and the beeswax 4.5 million dollars for a total of 144.5 million. (U. S. Department of Agriculture figures.)

3. In 1971, the value of crops produced in the United States that are dependent upon insect pollination was $3,343 million dollars. (This is 3.34 billion). Twenty-eight crops fall into this category and include everything from alfalfa seed to watermelons. These 1971 figures are the latest ones I could find. If we allow for an inflation rule of six percent per year these figures would be half again as much.

4. In 1971, the value of other crops which benefit from insect pollination was 4.328 million dollars. (This is 4.33 billion.) This combined with the 3.3 billion value on crops dependant on insect pollination gives a total of 7.67 billion dollars. It cannot be denied that honeybees are a tremendous factor in the success of our national agricultural industry.

5. One-third of the total American diet is derived directly or indirectly from insect pollinated plants and crops. The honeybee is the primary insect pollinator.

ITEM FIVE: CONCLUSION:

The foregoing outline of Senate Bill 146 and the foregoing facts and figures should be ample data for the legislature to pass the bill into law in the content sought by the Beekeepers.

Dated this 3rd day of March, 1981.

Norman C. Robb
515 Savings Center Bldg.
Missoula, Montana 59801
Attorney for Montana State
Beekeepers Association

THE MINUTES OF THE MEETING OF THE AGRICULTURE COMMITTEE
March 9, 1981

The meeting of the Agriculture Committee was called to order by CHAIRMAN SMITH at 12:30 p.m., March 9, 1981 in Room 431 of the Capitol.

All members of the Committee were present.

SENATOR HAZELBAKER presented SENATE BILL 146, "AN ACT TO REVISE APICULTURE PROVISIONS RELATING TO DEFINITIONS, REGISTRATION OF APIARIES, AND THE INCREASE IN THE NUMBER OF HIVES ON AN APIARY", and stated that this is from a part of Agriculture that you wouldn't hear from often but that is very important. (EXHIBIT A)

There has been administrative rules from the Department of Agriculture that should now be put into the codes for the reason that the bill provides the three mile distance between aparies.

County attorneys were unwilling to prosecute due to the uncertainty of the rule.

The need of the distance between apiaries is to stop the spread of disease.

SENATOR HAZELBAKER presented NORMAN ROBB, attorney, and the Bee Keepers' Association member. MR. ROBB presented the Committee with a prepared statement listed as a Information and Fact Sheet (Attached as EXHIBIT B).

MR. ROBB stated that the landowners are not subject to the three mile law. SENATE BILL 146 enacts the existing rule into law that regulates the commercial bee keeper that his apiaries have to be registered and planted three miles apart to prevent diseases.

The bill is so written that it is a misdemeanor not to register the apiaries that the law already requires. If the three mile rule is violated, that will be a misdemeanor. Landowners are exempt from the three mile law, as are hobbyists.

TOM HARRISON, of the Montana Bee Keepers Association, stated that as a lobbyist, he was here all the time to answer any questions he could. He said that this is not a punitive law, but a positive tool to get the apiaries out that are not registered.

ROY BJORNSON of the Montana Department of Agriculture, asked for the support of this bill.

Other PROPONENTS and members of the Montana Bee Keepers' Association, stated their names and residence and asked for support of SENATE BILL 146. (Witness sheets attached) Some of these people were second and third generation bee keepers.

REPRESENTATIVE SHONTZ asked to speak in behalf of John Barrow of Ekalaka,and Russell and Norma Mutral of Missoula, and John Springs from Hamilton, who also favor this bill.

There being no Opponents, SENATOR HAZELBAKER closed by asking for full support and added: "I want to thank you for supporting this little honey bee, because the product of his labor makes the food taste good to me; however, I would caution you to treat him as a friend, cuz while he deals in sweetness, there is lightening in his end".

The meeting was opened for questions by the committee.

It was asked if verbal permission was acceptable as far as putting bees on owners fields. MR. ROBB stated that it was, and when the farmer wants them removed, he just makes a request.

A question was asked regarding new language, "registering under conditions" shown on page 12 , line 20. MR. ROBB stated that the reason for this was that there are certain times of the year that there is bad weather and crops of bees must be moved. Some move them into California to winter them and others move them into one area. Another problem they have is with preditors, such as bears and skunks. It is not a violation of the law to winter bees in these ways.

The cost of registering bees is according to hives. The cost can go as high as $150 per year. Reregistering is just a matter of paperwork.

REPRESENTATIVE ROBBINS asked about saturation, as far as bee keeping is concerned. MR. ROBB said it depended on the year and whether there were alot of blossoms, etc.

REPRESENTATIVE MANUEL was chosen to carry this bill to the floor of the House.

The meeting was closed on S.B. 146.

SENATOR HAGER closed by saying that Mr. McOmber, Director of the epartment of Agriculture, came to the Senate and favored this bill. He pointed out that there are no federal funds involved, and that some of the studies have increased the producers sales, referring to the study of cholesterol in eggs and butter and disproving the harm.

REPRESENTATIVE SCHULTZ said that he had to admire their desire to take so much out of their own pocket, as they are taking out more than the pork producers, wheat producers or the alfalfa seed producers.

The hearing was closed on Senate Bill No. 156.

The meeting was called into EXECUTIVE SESSION:

MOTION was made by REPRESENTATIVE HOLLIDAY to 'pass' S.B. 146. MOTION PASSED UNANIMOUSLY.

The meeting adjourned at 2:30 p.m.

Carl M Smith

CARL SMITH, CHAIRMAN

lmw